

Before the Court is St. Paul Fire & Marine Insurance Company's Motion to Consolidate, which was filed in case number 4:19-cv-00126-P. Mt. to Consolidate, ECF No. 19.¹ In the Motion to Consolidate, St. Paul seeks to consolidate civil actions 4:19-cv-00072-P, *Wagner Oil Company v. Federal Insurance Company et al. (FIC Lawsuit)*; 4:19-cv-00941-P, *Wagner Oil Company et al. v. St. Paul Fire & Marine Insurance Company (St. Paul Lawsuit)*; and 4:19-cv-00126-P, *Wagner Oil Company v. North American Capacity Insurance Company (NAC Lawsuit)*.² St. Paul indicated in its certificate of conference that Wagner Oil was unopposed to consolidation but that St. Paul had been unable to confer with the remaining parties' counsel. Mt. to Consolidate at 9. The Court ordered North American Capacity Insurance Company, Federal Insurance Company, and Scottsdale Insurance Company to respond and indicate whether they opposed intervention and consolidation. *NAC Lawsuit*, ECF No. 20; *FIC Lawsuit*, ECF Nos. 31, 33. Each party responded and stated they were unopposed. *NAC Lawsuit*, ECF No. 21; *FIC Lawsuit*, ECF No. 32, 34.

Upon review of the Motion to Consolidate as well as the filings in *FIC Lawsuit*, *St. Paul Lawsuit*, and *NAC Lawsuit*, the Court finds that the issues of law and fact are common to the cases. Thus, consolidation is appropriate. *See* FED. R. CIV. P. 42(a) (providing that

¹Also before the Court is Defendant St. Paul's Motion to Intervene, which was also filed in case number 4:19-cv-00126-P. *See NAC Lawsuit*, Mt. to Intervene, ECF No. 18.

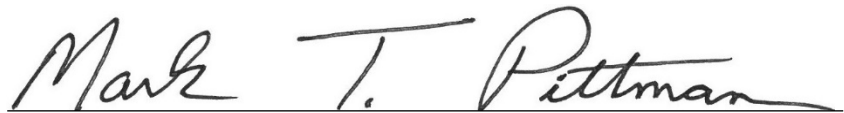
²The *St. Paul Lawsuit* was filed and originally pending before the Honorable United States District Judge John McBryde. Upon the filing of the instant motions to intervene and consolidate, Judge McBryde entered an order transferring the *St. Paul Lawsuit* and the pending Motion to Consolidate to the undersigned for a determination of St. Paul's Motion to Consolidate. *See St. Paul Lawsuit*, 4:19-cv-00941-P, ECF No. 18.

a court may consolidate actions if they involve common questions of law or fact in order to avoid unnecessary cost or delay). Accordingly, St. Paul's Motion to Consolidate filed December 20, 2019, in case number 4:19-cv-00126-P should be and is hereby **GRANTED**. St. Paul's Motion to Intervene also filed in case number 4:19-cv-00126-P is **DENIED as moot**.

Therefore, it is **ORDERED** that case numbers 4:19-cv-00072-P (*FIC Lawsuit*) and 4:19-cv-00941-P (*NIC Lawsuit*) are **CONSOLIDATED** with case number 4:19-cv-00126-P (*St. Paul Lawsuit*). The Clerk is directed that all subsequent pleadings shall be filed under case number 4:19-cv-00126-P (*St. Paul Lawsuit*).

In light of consolidation, the Court sets a thirty-minute scheduling conference on **Wednesday, February, 5, 2020, at 9:00 a.m.** in the Fifth Floor Courtroom of the Eldon B. Mahon United States Courthouse, located at 501 W. 10th Street, Fort Worth, Texas. Counsel for all parties are **ORDERED** to attend. Counsel should be prepared to discuss issues related to discovery, mediation, and any other matters that would assist the Court in entering a scheduling order to govern the case moving forward.

SO ORDERED on this **27th day of January, 2020**.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" and last name "Pittman" being more prominent than the middle initial "T.".

Mark T. Pittman

UNITED STATES DISTRICT JUDGE